



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,585	01/13/2006	Robert S. Foote	DC0261US.NP	1514

26259 7590 07/30/2009
LICATA & TYRRELL P.C.
66 E. MAIN STREET
MARLTON, NJ 08053

EXAMINER

COUNTS, GARY W

ART UNIT	PAPER NUMBER
----------	--------------

1641

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

07/30/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

poreilly@licataandtyrrell.com

Attachment to Notice of Non-Compliant Amendment

In the amendment filed 05/01/09 the Applicant indicated on page 8 of the Remarks section of the amendment that claim 4 had been amended to remove the language "the actual picogram per milliliter of blood" from step (d) of claim 4. However, a review of the claims submitted on 05/01/09 does not indicate such an amendment. Therefore, it is unclear if Applicant intended to amend claim 4 or not. In the event, Applicant intended to amend claim 4, the amendments should clearly be indicated within the claim and if Applicant did not intend to amend claim 4 then Applicant should clearly provide arguments directed to the 112 2nd rejection of claim 4 step (d) "the actual picogram per milliliter of blood".

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GARY W. COUNTS whose telephone number is (571)272-0817. The examiner can normally be reached on M-F 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Shibuya can be reached on (571) 272-0806. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

Application/Control Number: 10/553,585

Page 3

Art Unit: 1641

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ Gary W. Counts/
Examiner, Art Unit 1641

/GAILENE R. GABEL/
Primary Examiner, Art Unit 1641

7/27/09